

**Petition for Compensation for Representation of Conservatee [Prob. C. 1470 & 1472(a)]**

<b>Age:</b> 46	<p><b>GARY BAGDASARIAN</b>, Petitioner, was Court-appointed to represent the Conservatee on 8/11/10.</p> <p>Wells Fargo Bank was appointed Conservator of the Estate on 3/19/87 in Kern County Superior Court (<i>the Conservatorship of the Estate was transferred to Fresno Superior Court in 2007</i>). Robert Lowder III and Marcia Lowder were appointed as Co-Conservators of the Person on 10/13/10.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the period of 8/11/10 through 10/31/11, and with respect to the reviews of initial appointment of Conservator of Person and Estate, <i>Court’s Order Regarding Debts Incurred by Conservatee</i> and Petitioner’s subsequent notification to creditors, preparation of <i>Petition for Order Determining Conservatee has Capacity to Enter into a Valid Marriage</i> and for work related to same.</p> <p>Petitioner requests that he be paid from the conservatorship estate for 76 hours @ \$250.00 per hour for a total of <b><u>\$19,000.00.</u></b></p> <p>Services are itemized by date.</p> <p><b>Petitioner requests that:</b></p> <ul style="list-style-type: none"> <li>• He be paid \$19,000.00 from the Conservatorship Estate for services rendered and</li> <li>• That his appointment as Conservatee’s attorney be terminated.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB:</b> 8-14-65		
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
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<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
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<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> NRN
		<b>Reviewed on:</b> 12/8/11
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 - McDaniels</b>

<b>DOD: 5-4-08</b>
<b>Cont. from 110211</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>
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<input type="checkbox"/> <b>Duties/Supp</b>
<input checked="" type="checkbox"/> <b>Objections</b>
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<input type="checkbox"/> <b>UCCJEA</b>
<input type="checkbox"/> <b>Citation</b>
<input checked="" type="checkbox"/> <b>FTB Notice</b>

**DEBRA K. BEATH**, Administrator with full IAEA with bond of \$500,000.00, is Petitioner.

Account period: 7-24-08 through 12-31-10

Accounting: \$ 222,498.13  
 Beginning POH: \$ 45,039.00  
 Ending POH: \$ 14,149.08

Administrator: Not addressed  
 Attorney: Not addressed

**Petitioner states** the estate is not in a condition to be closed. The estate is insolvent and has unpaid claims and expenses of over \$500,000.00, but cash in the amount of approx. \$13,000.00. The estate owns two business interests, neither of which are now operating. B&B Riverbend Farms, LLC owns farmland that is encumbered in excess of its value, and has been leased to a tenant. The only hope that any of the creditors can be paid is if the B&B Riverbend lenders forbear from foreclosing on their loans and the value of the farmland increases such that B&B Riverbend becomes solvent.

Petitioner requests the bond be reduced to \$15,000.00.

**Petitioner requests an Order that:**

1. The administration be allowed to continue;
2. The account be settled, allowed and approved;
3. All acts and proceedings of Administrator be confirmed and approved; and
4. Bond be reduced to \$15,000.00

**Rabobank, N.A., filed Objections to Request to Reduce Bond, and Declaration of Scott J. Ivy in Support of Objections on 12-6-11.**

Contestant states Rabobank, N.A., has standing as an interested person in that they have several claims pending against Ms. Beath in her capacity as Administrator and against the two separate business entities owned by the Estate (09CECG02791). The Objection states the Administrator is liable to Contestant on certain loans and refuses to pay (details of the litigation are included).

**SEE PAGE 2**

**NEEDS/PROBLEMS/COMMENTS:**

**Note:** Association of Counsel filed 12-9-11 associates Attorney Paul J. Bauer of Walter & Wilhelm Law Group as counsel for Debra K. Beath in all matters in which Rabobank is a party.

1. Ongoing litigation: Rabobank, NA v. LCM Farms, Inc. (one of Decedent's businesses) Case # 09CECG02791. Hearing on a motion for summary judgment is set for 1-5-12 in Dept. 503.

Petitioner states "Rabobank has sued the personal representative, alleging that the estate is liable for certain debt of B&B Riverbend Farms, LLC."

Rabobank has filed Objections to Request to Reduce Bond.

**Need clarification:** Is Petitioner referring to the same litigation, or additional litigation involving the other business (B&B)?

*Supplement filed 12-9-11 states there is only one case, that both businesses are defendants, and both are now wholly owned by the estate.*

**SEE PAGE 2, 3**

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 12-8-11
<b>Updates:</b>
<b>Recommendation:</b>
File 2 -Boos

**SUMMARY (Continued):**

**Objection (Continued):** Claims pending for breach of contract, false promise; quantum meruit; and breach of fiduciary duties include allegations that through the mismanagement and breach of fiduciary duty by Ms. Beath, the Estate's assets were dissipated from \$500,000.00 (basis for bond) to \$15,000.00. Contestant's claims are a pre-requisite to recovery on the bond per CCP §9963.440(b).

Thus, the very purpose of the bond would be defeated if it were reduced prior to a determination of Ms. Beath's liability on the claims. *Such a result would be even more absurd and counter-intuitive in this case given that the basis for the reduction is that, under Ms. Beath's administration, the value of the estate has gone from \$500,000 to \$15,000. In sum, as a reward for overseeing a 97% decline in value of the estate, which Contest claims in the State Court action was due to mismanagement, misconduct, waste, and breach of fiduciary duty, Ms. Beath asks this Court to reduce the bond to current value of the estate (\$15,000), thereby eliminating the bond's protection against such misconduct and mismanagement [Emphasis in original].*

Such unresolved claims fall under the general category of "all matters related to an account" and "actions taken by the personal representative not previously authorized by approved by the court" that may be contested "for cause shown. Until such claims have been fully resolved, the Contestant's right to recover for such losses under the existing bond cannot be ascertained. The reduction in bond should be denied until the claims have been resolved.

**Contestant requests that:**

1. **The request to reduce bond be denied and/or stayed pending resolution of the claims;**
2. **The request that the report be "settled, allowed, and approved as filed" and "all acts and proceedings of the petitioner as personal representative be confirmed and approved," be denied and/or stayed pending resolution of the claims; and**
3. **Such other relief as the Court deems just and proper.**

**Note: The Objection is not verified by the Contestant (Probate Code §1020).**

**Note: \$395.00 filing fee for Objection is due immediately.**

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**Petitioner filed a Response to Objections and a Supplement to First Account and Status Report on 12-9-11.**

**Petitioner states Rabobank is estopped from contesting the reduction of the bond.** Petitioner states even though Rabobank did not file a claim against the estate, it wants to have access to the \$500,000.00 bond in case it succeeds in its "spurious fraud claims" against Administrator in the state court action. The conclusory analysis relied upon by Rabobank is that Petitioner oversaw a \$500,000.00 estate wasted away to \$15,000.00. This is completely disingenuous. Petitioner states the only reason the estate was valued at \$500,000.00 was based solely on bank statements provided by Rabobank in May 2008, which turned out not to be anywhere near what cash the two businesses actually had in their accounts.

**Petitioner states the actual value of the estate was about \$45,000.00 – not \$500,000.00 [Emphasis added.]** as established by the Order Settling Account of the Special Administrator signed 9-20-10. The \$500,000.00 bond for assets now valued at \$15,000.00 is excessive. The estate never had a value of \$500,000.00.

**Petitioner further states Rabobank is not a creditor of the estate pursuant to Probate Code §9000(c) and does not have standing to raise its objections.**

**Petitioner states the Court must reduce the bond because the bond exceeds the statutorily authorized amount per CCP 996.030(a) and Probate Code 8482.**

**Petitioner states** that on 7-9-10, Petitioner filed the account for her time as Special Administrator, and requested discharge of her \$500,000.00 bond as Special Administrator be discharged at that time. Rabobank objected and the Court deferred its ruling on the discharge. However, on 10-19-10, after further briefing by the parties, the Court granted the discharge.

**Petitioner cites** Probate Code §7250(a) and Estate of Welch (1957) 152 Cal.App.2d 225, 228 that the settlement of the Special Administrator's account is conclusive with regard to the amount received by Petitioner, and Rabobank "attempts to distract this Court" by raising the issue here again.

**Petitioner states** she does not owe a fiduciary duty to Rabobank (Fenton v. Carrell (1999) 77 Cal.App.4<sup>th</sup> 352, 359) and Rabobank's success or failure against the businesses is moot as to the bond being reduced.

**Petitioner requests Rabobank's Objections be dismissed and her request for a bond reduction as prayed be granted.**

**SEE PAGE 3**

## NEEDS/PROBLEMS/COMMENTS (Continued):

2. Petitioner discloses that Boos & Associates (Decedent's brother's firm) has been used for accounting purposes. Petitioner states Boos & Associates is owed a total of \$37,506.04 for accounting, consultation and tax preparation fees and assistance in management of the businesses.

Need allocation of estate expenses vs. business expenses or authority for the full amount as an estate expense.

*Supplement states the \$37,506.04 was incurred by the estate only, and accounting work for the business entities was billed to and paid by the entities.*

3. The I&A filed 3-10-10 indicates Decedent owned a 50% interest in B&B Riverbend Farms, LLC, valued at \$0. During this account period, Petitioner purchased the other half of the business for \$309,952.00, "payable in the form of a secured promissory note." The estate now owns 100% of this business, which is valued at \$0 in the POH Schedule.

Need clarification regarding the purchase price, note, and security, and Probate Code §9760.

- If the estate's 50% was valued at \$0, how was the other 50% valued at \$309,952.00 and how is the entire 100% now valued at \$0?

- What is the note secured by? The estate does not appear to contain assets that could be, or were, used as security.

- Need clarification regarding Probate Code §9760(b) (continuation of business after six months, and the advantage to the estate to do so).

*Supplement states 9760 does not apply as the businesses are a corporation and LLC. When the decedent died, B&B (the LLC) was owned equally by the decedent and the Boyd Trust. IN late 2008, the trustees wanted to liquidate B&B, which had little or no equity because its principal asset was farmland under development, which was heavily encumbered. After analysis, Petitioner concluded that B&B had more value as a going concern than in liquidation, so she agreed to purchase the other one-half interest for \$309,953.00, to be paid entirely in the form of a promissory note secured by a junior deed of trust on B&B's real property, payable interest only for three years and then amortized over six years. The result was that the estate became the sole owner of B&B, but put the Boyd Trust in priority to recover its investment if B&B were to succeed, but limiting its return to the amount of the note. B&B has not been making the interest payments on the note because B&B is insolvent.*

4. Petitioner states B&B Riverbend Farms, LLC is not operating, but has land that is leased to a tenant; however, there are no lease payments in the Receipts Schedule. Need clarification: Is there an income from the lease, and are the tenants operating the land?

*Supplement states the lease payments do not show in the accounting because the lease payments are made to B&B, not to the estate.*

5. Petitioner requests her bond be reduced based on the amount of property on hand in the estate; however, the court may require clarification or authority with reference to:

- the apparent commingling of estate and business assets and liabilities

- the ongoing litigation referenced above (Petitioner notes that the ongoing litigation has to do with a claim that "did not arise until after the decedent's death.")

- that Petitioner is a creditor of the estate for \$93,932.32 plus interest

6. Need clarification regarding the \$16,000.00 loss for "wrongful taking of household furniture and furnishings and personal effects by Kellie Brittain."

*Supplement states the decedent lived in a residence on his mother's property and had a live-in girlfriend, Kellie Britain. The decedent's mother saw Ms. Britain taking items when leaving the residence and called the sheriff, but the deputy would not stop her, even over strong objections by Attorney Jaech via telephone to the deputy. Ms. Britain's whereabouts are currently unknown and Petitioner decided that it was not economical to initiate action against her to recover the property she took.*

*Examiner notes that \$16,000.00 was the total inventoried value of decedent's household furniture, furnishings and personal effects. Did Ms. Brittain take everything from the house?*

*Examiner also notes that the I&A also reflected a separate amount due from Ms. Brittain of \$14,612.00, bringing the total owed to the estate by Ms. Brittain to \$30,612.00.*

*The Court may require clarification regarding the economics of writing off this and the other debts to the estate that were valued at \$0 per the I&A. Examiner notes that, excluding the amounts due from the business entities, the I&A lists over \$50,000.00 due from various persons, including Ms. Brittain.*

SEE PAGE 4

NEEDS/PROBLEMS/COMMENTS (Continued):

7. Need clarification regarding the use of Decedent's personal credit cards and accounts during this account period for estate/ business purposes. How are the Decedent's personal credit accounts still active?

*Supplement states the decedent allowed his employees to use his cards for purchases for the business, and some continued to do so after his death. The accounts have since been closed, and Petitioner opened a new credit account for LCM Farms, Inc.*

8. Need Allowance or Rejection of the remaining claims.

9. Petitioner is a creditor of the estate for \$93,932.32 plus interest for past due child support. Need Allowance or Rejection of creditor's claim for review by the court before this account can be approved listing this item as a liability.

*Examiner notes that the Court has ordered this claim to be heard via noticed petition.*

10. Schedule I indicates certain creditors and businesses appear to have been paid sums out of priority (Sam Jorgensen, whose claim was rejected, LCM and B&B businesses). Need clarification with regard to Probate Code §11420(b) (payment in a proportionate share if property is insufficient to pay all debts in any class).

*Supplement states that Sam Jorgenson Pump Co., was paid at least \$5,000 by B&B on the decedent's account because although the decedent purchased the pump personally, he had it installed on B&B's ranch and B&B received the benefit.*

*B&B and LCM were not paid out of priority because they were not creditors, but rather owned money to the decedent, and by paying obligations of the estate, LCM satisfied its debt to decedent. The estate paid obligations of the businesses and paid \$20,262.84 on B&B's behalf during this account period only because Petitioner deemed it necessary to attempt to protect the estate's investments in the companies.*

Examiner notes that there may be additional issues upon further review.

(1) First Account and Report of Conservator and (2) Petition for Allowance of Fees for Attorney

Age: 19 years
DOB: 1/15/1992
Cont. from 081111, 092711, 102411
Aff.Sub.
✓ Verified
✓ Inventory
PTC
Not.Cred.
✓ Notice of Hrg
✓ Aff.Mail W /
Aff.Pub.
Sp.Ntc.
Pers.Serv.
Conf. Screen
Letters
Duties/S
Objection
Video Receipt
✓ CI Report
9202
✓ Order
Aff. Post
Stat Rpt
UCCJEA
Citation
FTB Notc

**TIM COLLINS**, father and Conservator of the Person and Estate, is Petitioner.

Account period: 3/4/2010 – 3/31/2011

Accounting - \$214,899.55 ?  
 Beginning POH - \$182,358.84  
 Ending POH - \$178,789.44 ?  
 (\$56,017.94 or \$47,717.24 is cash?)

Conservator - *not addressed*

Attorney - \$4,000.00  
 (per Declaration filed 6/24/2011; please see Note on additional page)

Bond - \$61,000.00  
 (sufficient)

**Petitioner prays for an Order:**

- Approving, allowing and settling the First account, and confirming and approving all acts and transactions of the Conservator set forth in the account;
- Authorizing the Conservator to pay himself \$1,328.00 per month for Conservatee’s room and board; and
- Authorizing the attorney fees and costs.

**Court Investigator Jo Ann Morris’ Report filed 2/1/2011 recommends the conservatorship continue with the current conservator.**

**Status Report Re: Corrections to First Accounting filed on 12/12/2011 by Attorney Nancy LeVan states:**

- She had triple lumbar disc fusion on 10/25/2011, the day after the last hearing;
- She was hoping she could address all questions put forth by the Probate Examiner; however, it is taking longer than she expected to recover from this major surgery;
- She seeks the Court’s indulgence and **requests a 45-day continuance**, as she is starting to work this week 4 hours per day and she will focus on getting the corrections to the Court as soon as possible.

**NEEDS/PROBLEMS/COMMENTS:**

Continued from 10/24/11. Minute Order states matter is continued to 12/14/11 at the request of counsel.

The following issues from the last hearing remain:

- Schedule C, Disbursements* does not include any entry for the \$122,771.50 cash withdrawal dated 7/1/2010 which is indicated on the Bank of the West statement filed 6/24/2011. The schedule of disbursements should reflect the payment of this sum, which appears to be for purchase of a condominium for the Conservatee per Court authorization on 7/1/2010. Further, the *Summary of Account* is also inaccurate as it does not list this \$122,771.50 disbursement. (Note: First Account pleadings do not contain any narrative information regarding this condominium purchase for the Conservatee, nor the approved rental agreement and the \$850.00 rent the Court authorized to be charged; information has been obtained from previous pleadings filed with the Court.)
- Summary of Account* lists cash assets on hand as \$56,017.94 while *Schedule E, Property on Hand* lists cash assets as \$47,717.24. Need correct amount of cash on hand at the end of the account period.
- Schedule A, Receipts* contains entry dated 1/19/2011 indicating an SSI check in the amount of \$13,280.00 was received. This amount appears to be incorrect, as the SSI check amounts in the receipts schedule are typically for \$1,328.00. Therefore, the total amount of receipts indicated in *Schedule A, Receipts* is incorrect (should be \$20,588.71) and the accounting does not balance.  
 ~Please see additional page~

Reviewed by: LEG/NRN/LEG

Reviewed on: 12/8/11

Updates: 12/12/11

Recommendation:

File 3 – Collins

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. *Petition* requests a flat fee of \$1,328.00, which is the amount of the Conservatee's monthly disability benefits, be allowed to be paid monthly to the Conservator for room and board and food, and therefore Petitioner "will not have to charge 25% of all expenses and will make the accounting process much easier." *Petition* does not explain this statement regarding charging 25% of expenses to the Conservatee, and it is unclear from the *Petition* whether the Conservatee resides with other household members requiring all expenses to be apportioned at 25% among them. (Conservatee is charged 25% of expenses for cable, cell phone, utilities, pool service, pest control, homeowner's insurance, gardening, electricity, etc.)
5. *Schedule A, Receipts* contains entries dated 10/4/2010 and 10/28/2010 for "deposit of rent check for condo" in the amount of \$850.00 each, and *Schedule C Disbursements* shows a deposit refund of \$300.00 was made on 12/13/2010 to the renter of the condominium. There are no prior entries for rent received (condominium was purchased in July 2010) nor any subsequent entries for receipt of rent for the condominium during this account period. *Petition* does not mention the Conservatee's condominium nor explain its current status. Court may require information as to the current rental status of the condominium and as to the lack of monthly rent receipts from November 2010 to the ending date of this account of 3/31/2011. *Schedule C Disbursements* shows the Conservatee pays \$199.00 in monthly association dues (totaling \$1,393.00 during this account period), \$586.00 in condominium insurance, and \$1,008.09 in property taxes, which now may be considered liabilities to the Conservatorship estate given that the property is not earning rental income; additionally, Conservatee expended \$800.00 on 12/22/2010 for condominium property management.
6. *Schedule C Disbursements* includes the following expenditures for which the Court may require explanation, justification, and further information:
  - \$200.00 cash withdrawal dated 10/12/2010 for which no purpose is identified;
  - \$1,116.54 dated 2/23/2010 for which no payee or purpose is identified;
  - \$5,982.02 in payments to GMAC Mortgage; *Petition* does not state whether these mortgage payments are for the condominium which Conservatee just purchased or for the Conservator's own mortgage, and if for the latter, whether Conservatee will have partial ownership in Conservator's residence for making a portion of such mortgage payments.
  - \$1,542.00 in payments to Toyota with the explanation of "25% of monthly transportation costs." It is unclear whether this refers to fuel expenses, or to purchase of a vehicle, and if for the latter, whether Conservatee has partial ownership in the vehicle for making such payments (*Schedule E, Property on Hand* does not list any interest in a vehicle as an asset of the Conservatorship);
  - \$6,187.04 in Costco expenses that are not apportioned at 25%; descriptions state food and supplies, sometimes designated "for Conservatee" and sometimes without such designation;
  - \$471.43 to Travelers Insurance for "home" - 25% of monthly charge (payments made to DiBudio & Defendis Insurance are designated as for the condominium);
  - \$105.00 in overdraft bank charges; it appears the Conservatee has paid these charges when he is not the person responsible for managing his money.
7. *Petition* does not address whether the Conservator is waiving commissions.
8. Need Revised Order.

~Please see additional page~

## NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 includes a fee itemization identified as *Statement Date 6/24/2011* totaling fees of \$4,690.00, which contains entries dated 7/30/2011, 8/2/2010 and 8/27/2010 for fees totaling \$440.00 that are identical in the fees charged and in the descriptions of services to the entries contained on Attorney LeVan's itemization identified as *Statement Date 8/27/2010* submitted in support of Attorney LeVan's *Petition for Approval of Rental Agreement* filed 9/8/2010; attorney fees of \$2,700.00 were granted to Attorney LeVan on 10/26/2010 in that matter covering these duplicate itemizations such that it appears these fees of \$440.00 have already been paid. Therefore, the total of the itemized fees for this account period should be \$4,250.00, and since Attorney LeVan requests due to the limited funds of the Conservatorship that she be paid only \$4,000.00 as compensation for her legal services, no deduction is necessary from the amount of attorney fees requested by Attorney LeVan for overpayment due to the duplicate entries.

Note: The *Petition* and the *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 do not specifically request reimbursement of costs advanced for the filing fee of \$395.00; however, it appears this request is being made, as the amount of \$4,395.00 for legal services and costs is included in the proposed order.

<b>Age: 3</b>	<p><b>TERI LYN JACKSON</b>, mother, was appointed Guardian of the Estate on 10/12/11.</p> <p><b>Minute Order dated 09/14/10</b> set this matter for status on 11/08/11.</p> <p><b>Inventory &amp; Appraisal</b> was filed 01/06/11.</p> <p><b>Notice of Motion and Motion to be Relieved as Counsel – Civil and Declaration in Support of Attorney’s Motion to be Relieved as Counsel – Civil</b> was filed by attorney Erin Rhames-Childs on 11/03/11 and is set for hearing on 12/14/11. Ms. Rhames-Childs states that Ms. Jackson has failed to comply with the terms of their representation agreement and the attorney-client relationship has deteriorated due to her lack of communication. Ms. Rhames-Childs has asked Ms. Jackson to sign a substitution of attorney, but she has not done so.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 11/08/11</b></u></p> <p>As of 11/08/11, the following remains outstanding:</p> <ol style="list-style-type: none"> <li>1. Need first account.</li> </ol>
<b>DOB: 07/16/08</b>		
<b>Cont. from 110811</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 12/08/11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4A - Pelley</b></p>	

**Notice of Motion and Motion to Be Relieved as Counsel (Code of Civil Procedure 284)**

Age: 3 DOB: 07/16/08	<b>TERI LYN JACKSON</b> , mother, was appointed Guardian of the Estate on 10/12/11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> (Form DE-120) This is the mandatory form as adopted by the Judicial Council. Pursuant to CA Rules of Court 7.101(a) this form must be used.  2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Notice of Motion and Declaration.  3. Need Order.
Cont. from	<b>Notice of Motion and Motion to be Relieved as Counsel – Civil and Declaration in Support of Attorney’s Motion to be Relieved as Counsel – Civil</b> was filed by attorney Erin Rhames-Childs on 11/03/11 and is set for hearing on 12/14/11. Ms. Rhames-Childs states that Ms. Jackson has failed to comply with the terms of their representation agreement and the attorney-client relationship has deteriorated due to her lack of communication. Ms. Rhames-Childs has asked Ms. Jackson to sign a substitution of attorney, but she has not done so.	
<input type="checkbox"/> Aff.Sub.Wit.		<b>Note:</b> It is noted that the petitioner has filed a proof of personal service – civil (form POS-020) showing that the Guardian was personally served on 11/13/11; however, the proof of service does not indicate that the guardian was served a copy of the Mandatory <i>Notice of Hearing</i> .
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/08/11
		Updates:
		Recommendation:
		File 4B - Pelley

**5 Carolyn M. Quinville aka Carolyn Quinville aka Carolyn M. Grumbles (Estate) Case No.10CEPR01057**  
**Atty Bagdasarian, Gary G. (for Susan M. Quinville, Executor – Petitioner)**

**(1) Waiver of Accounting and Report of Executor and (2) Petition for Its Settlement and (3) Waiver of Executor's Commissions and (4) Allowance of Attorney's Fees for Ordinary Services and (5) for Costs Reimbursement and (6) Final Distribution**

<b>DOD: 11/28/10</b>		<b>SUSAN M. QUINVILLE</b> , Executor and daughter, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Per <i>Petition</i>, Petitioner is allowing one of the estate's real properties to be foreclosed upon, as the property is subject to a loan in excess of the property's value. As such, the statutory attorney's fee must be calculated by using that property's loss amount, which is the difference between the value as stated in the <i>I&amp;A</i> and the encumbrance amounts on the property. <i>Estate of Stein (1968) 267 Cal. App. 2 631.</i> Therefore, need the total amount of the property's encumbrances in order to determine the loss, if any, and proper statutory attorney's fee (Petitioner Executor waives her statutory fee).</b>  <b>2. Proposed order does not describe the specific property that Petitioner requests be distributed. Pursuant to Local Rule 7.6.1.A, all orders must be complete in themselves and shall set forth all matters ruled on by the court, the relief granted, and the names of the persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. Need new order.</b>
		Accounting is waived.	
<b>Cont. from</b>		I&A - \$424,261.21	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - \$204,124.37 (\$4,699.95 is cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>	Executor - waives (statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney - \$11,485.00 (statutory)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Costs advanced - \$1,568.42 (Filing fees x2, probate referee fee, publication, certified letters)	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>	Petitioner requests distribution, pursuant to Decedent's Will, as follows:	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	<b>100% of Decedent's estate to Petitioner, Carolyn M. Quinville, consisting of two parcels of real property in Selma, CA, cash, a sole proprietorship, stock shares, and personal property.</b>	
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> NRN
			<b>Reviewed on:</b> 12/7/11
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5 - Quinville</b>

Atty Fanucchi, Edward L. (for Timothy Johnson)

AMENDED - Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 3/15/11		<p><b>TIMOTHY JOHNSON</b>, step-grandson, is petitioner and requests appointment as Administrator with Will Annexed and with bond set at \$80,000.00.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 12/21/1990</p> <p>Residence: Fresno</p> <p>Publication: Fresno Business Journal</p> <p><u>Estimated value of the estate:</u> Real property - \$80,000.00</p> <p><b>Probate Referee: Steven Diebert</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition was not signed by the attorney.</li> <li>Need Letters</li> </ol>
Cont. from 090611, 101711, 103111, 112311			
Aff.Sub.Wit.	S/P		
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
✓ Aff.Mail	W/		
✓ Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	X		
✓ Duties/Supp			
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Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 12/8/11	
		Updates:	
		Recommendation:	
		File 6 - Johnson	

**Petition to Invalidate Irrevocable Trust (Prob. C. §§ 21350, 21380 and 17200)**

		<p><b>ROBERT B. JONES</b>, Conservator of the person and estate of <b>VIRGIL ALBERT LININGER</b>, is petitioner.</p> <p>Petitioner states that on 1/20/2011 <b>VIRGIL ALBERT LININGER</b> (“Lininger”), created an irrevocable trust. Said Trust established Lininger as the Trustee and <b>SARAH NARODE</b>(“Respondent”) as the sole beneficiary.</p> <p>Petitioner contends that the Trust was created when Lininger lacked capacity or was under the undue influence of Respondent.</p> <p><b>Petitioner alleges:</b></p> <ul style="list-style-type: none"> <li>• Lininger met Respondent on or about 10/14/2009. Lininger at that time was 91 years old and Respondent was 35 years old.</li> <li>• On or about 4/20/09 Respondent requested a power of attorney from Lininger to purchase a condominium in Gloucester, Massachusetts. Lininger complied with this request and signed a Power of Attorney.</li> <li>• On or about 4/22/09 Lininger sent Respondent \$12,250 for closing costs on the condominium. On or about 4/28/09 an additional \$20,250 was sent to Gold Coast Realty on behalf of Respondent as a deposit of earnest money toward the purchase of the condominium.</li> <li>• On or about 5/27/09, after having first met Respondent only 7 month previously, Lininger entirely paid for and gave title to the condominium to Respondent. Lininger paid, in cash, the sum of \$429,995.40 to acquire the condominium for Respondent’s exclusive benefit.</li> </ul> <p style="text-align: center;"><i>Please see additional page</i></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Probate Code §17203 requires notice to be at least 30 days prior to the hearing. Proof of service indicates Virgil Lininger was mailed notice on 11/30/11, 14 days and not the required 30 days.</li> <li>2. Need Order.</li> </ol>
<b>Cont. from 110311</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> W/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b> W/		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b> X		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 12/8/11</b></p> <p><b>Updates: 12/12/11</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 - Lininger</b></p>	

## 7 (additional page 1 of 3) Virgil A. Lininger Irrevocable Trust Case No. 11CEPR00828

### Petitioner further alleges:

Even after purchasing the condo, Lininger continued to make substantial cash payments to Respondent. A partial list of cash transfers are:

- a. Town and Country Bank Checks between 10/29/09 and 3/26/10 total \$101,963.34;
- b. Single Brokerage wire transfer on Respondent's behalf dated 5/24/10, total transfer \$406,750.00;
- c. Checks written against Brokerage Account between 12/17/09 and 6/29/10 total \$91,400.00;
- d. Jewelry from Safety Deposit Box, given to Respondent, give tax value of \$15,450.00;
- e. Nordstrom Credit Card paid by Lininger for Respondent July and December 2010, total of \$6,451.39;
- f. Chase Credit Card expenses for trips to Hawaii and Mexico and Respondent's visits to Las Vegas and Respondent's credit card charges in Massachusetts between 8/26/10 and 2/26/11 totaling \$46,553.07;
- g. Bank of America Credit Card charges for Respondent between 1/11/10 and 3/4/11 totaling \$4,910.48;
- h. Victoria Secret Credit Card expenses for Respondent on 8/30/10 totaling \$500.00;
- i. Citi Bank Credit Card charges between 2/11/10 and 2/24/11 for Respondent totaling \$15,217.74.

Thus, between October 2009 and February 2011 Lininger gave, cash, jewelry or paid credit card charges incurred by or on behalf of Respondent in the sum of \$689,206.02. At that point, Lininger had known Respondent for approximately 14 months.

In addition, on 5/1/2010 Lininger bequeathed Respondent 30% of his 2004 Trust. That Trust is valued at approximately \$933,838.95. Respondent's share therefore is approximately \$280,151.00.

On 10/28/10 Lininger created a new Charles Schwab account for the benefit of Respondent. Lininger funded this account with a transfer of bonds valued at \$416,813.20.

On 12/9/10 Respondent accompanied Lininger to Charles Schwab. That same day, Lininger instructed Charles Schwab to transfer additional bonds valued at \$349,602.50 to the account for the benefit of Respondent. As of the date this Petition is filed the account totals \$766,415.70. Respondent is the sole beneficiary of this account.

On 12/30/2010 Lininger revised his will to leave most of what he owns in terms of furniture and paintings to Respondent.

On or about 1/20/11, Lininger created the irrevocable Trust. Said Trust established Lininger as the Trustee and Respondent as the sole beneficiary. At the time of the creation of the Trust, Respondent has a power of attorney for Lininger.

*Please see additional page*

## **7 (additional page 2 of 3) Virgil A. Lininger Irrevocable Trust Case No. 11CEPR00828**

**Petitioner states** in early March 2011, Lininger informed Respondent that he did not wish to see her again. Two days later Lininger was admitted to North Vista Hospital, Las Vegas, Nevada.

On 3/28/11, Lininger was examined by Dr. Kevin Bernstein, a psychiatrist at North Vista Hospital. Lininger was diagnosed with bi-polar disorder and dementia.

Petitioner alleges that the financial gains by Respondent from Lininger are the result of undue influence and financial elder abuse.

Petitioner alleges the Trust is invalid because it was procured by means of undue influence in that Lininger's will was subjugated to that of Respondent's which caused him to dispose of his property differently than he would otherwise have done.

Petitioner is informed and believes that the Trust is contrary to Lininger's previously expressed intent to leave his Estate to his nieces and nephews; that Lininger's mental and physical condition were so deteriorated by mental and physical illness that Respondent was able to subvert his will; and that Lininger had given Respondent a Power of Attorney at her request which was in effect at the time of the creation of said Trust.

Petitioner is informed and believes that all of the above financial gains had by Respondent occurred while she was acting as a Power of Attorney for Lininger, the creating a presumption of undue influence.

Lininger has been damaged by the actions of Respondent by the loss of the cash and assets transferred to Respondent or allocated to Respondent by operation of the terms of testamentary documents.

At all times relevant to this action, Respondent had a confidential and/or fiduciary relationship with Lininger.

Respondent knew or should have known that her conduct was likely to be harmful to Lininger.

Respondent's conduct constituted financial abuse under Welfare and Institutions Code §15657.5.

Respondent was guilty of recklessness and oppression and fraud in the commission of the abuse described above.

Under Welfare and Institutions Code §15657.5(a) Respondent is liable to Petitioner for reasonable attorney fees and costs.

Under Civil Code §3294, Respondent is liable for punitive damages.

### **Wherefore, Petitioner prays as follows:**

1. That the Court revoke and rescind the 1/20/11 Irrevocable Trust;
2. An award of reasonable attorney fees incurred herein;
3. Punitive damages to punish and make example of Respondent;
4. That the Court award petitioner his costs of litigation.

*Please see additional page*

**Dept. 303, 9:00 a.m. Wednesday, December 14, 2011**

## **7 (additional page 3 of 3) Virgil A. Lininger Irrevocable Trust Case No.11CEPR00828**

**Verified Objection to the Petition to Invalidate Irrevocable Trust filed by Sarah Nardone on 12/8/11. Objector admits some of the allegations in the petition and denies some of the allegations in the petition. Objector's Affirmative Defenses are as follows:**

1. Petition and grounds to revoke the trust fail to state facts sufficient to terminate the Trust.
2. The court designated in the petition is not the proper court in which to bring the proceeding described herein.
3. The court lacks subject matter jurisdiction over any claims by Petitioner to terminate the Trust.
4. The petition and purported grounds for termination of the Trust are fatally defective in that they are vague, ambiguous, and uncertain.
5. Petitioner and the settlor of the Trust, by reason of their knowledge, statements and conduct, and by reason of the knowledge, statements of conduct of their agents, have consented to and ratified the acts of Respondent and ratified the validity and terms of the Trust.
6. At all relevant times, Respondent acting in good faith with respect to all of its dealings with Petitioner and the settlor of the Trust, including those actions alleged in the Petition.
7. Respondent did no draft the Trust as required for a presumption of fraud or undue influence under Probate Code §21380(a)(1) to apply.
8. Respondent, at all relevant times, was not in a fiduciary relationship with the transferor, nor did Respondent draft the Trust, as required for the presumption of fraud or undue influence under Probate Code §21380(a)(2) to apply.
9. Respondent, at all relevant times, was not a care custodian of the transferor, nor was transferor a dependent adult, as required for the presumption of fraud or undue influence under Probate Code §23380(a)(3) to apply.
10. Petitioner alleges that transferor executed the Trust outside of California and was not a resident of California at the time of executing the Trust, therefore, pursuant to Probate Code § 21380(f), there can be no presumption of fraud or undue influence under Probate Code 21380.
11. Respondent alleges any award of punitive damages as sought by Petitioner would violate due process and excessive fines clauses of the Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

**Wherefore, Respondent requests a judgment as follows:**

1. That the Petition to Invalidate Irrevocable Trust be denied;
2. That Respondent be awarded attorney fees and costs of suit herein.

DOD: 11/4/2000		<p>AMY NIETO, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p><b>Petitioner requests</b> court confirmation that Decedent’s entire interest in two parcels of real property, located in Fresno County, pass to her pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from 110311				
	Aff.Sub.Wit.			
√	Verified			
	Inventory			
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√	Notice of Hrg			
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	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
√	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: NRN	
			Reviewed on: 12/8/11	
			Updates:	
			Recommendation: SUBMITTED	
			File 8A - Naito	

<b>DOD: 04/03/11</b>		<p><b>DONALD FREITAS,</b> nephew/named Executor without bond, is Petitioner.</p> <p>Limited IAEA – OK</p> <p>Will dated 03/19/02</p> <p>Residence: Fresno Publication: The Fresno Bee</p> <p><b>Estimated Value of the Estate:</b> Personal property - \$114,180.00</p> <p>Probate Referee: <b>RICK SMITH</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
<b>Cont. from</b>				
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 12/08/11		
		Updates:		
		Recommendation: SUBMITTED		
		File 9B - Lawson		

		NEEDS/PROBLEMS/COMMENTS:
<b>Cont. from 110211</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
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<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 12/8/11</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10A - Guerrero</b>

**10A**

**Ex Parte Petition for Appointment of Guardian Ad Litem-Probate**

		<p><b>JULIETA GUERRERO</b>, mother of the minor, is petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 11/2/11.</p>
		<p><b>Petitioner states</b> the minor in this proceeding, Gabriella Guerrero, is four years old. She is the only child of the decedent. Decedent owned real property at the time of his death.</p>	
<b>Cont. from 110211</b>		<p><b>Petitioner requests</b> the court appoint her as Guardian Ad Litem for the minor, Gabriella Guerrero, for the purpose of filing a Petition to Determine Succession on the minor's behalf.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
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			Reviewed by: KT
			Reviewed on: 12/8/11
			Updates:
			Recommendation:
			File 10B – Guerrero

**Petition to Determine Succession to Real and Personal Property (Prob. C. 13151)**

DOD: 5/9/2011		<p><b>GABRIELA GUERRERO</b>, by her Guardian Ad Litem, <b>JULIETA GURRERRO</b>, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>I &amp; A – <b>NEED</b>.</p> <p><b>Petitioner requests</b> Court determination that decedent’s interest in real and personal property pass to Gabriela Guerrero pursuant to intestate succession.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Gabriela is a four year old minor.</p> <ol style="list-style-type: none"> <li>1. Need Inventory and Appraisal</li> <li>2. #9a(3) of the petition was not answered re: issue of predeceased child.</li> <li>3. Attachment 11 of the petition does not include the decedent’s interest in the property.</li> <li>4. Minute order dated 11/2/11 vacated the hearing date of 11/21/11 and rescheduled the matter to 12/14/11. Petitioner’s Notice of Hearing shows the vacated hearing date of 11/21/11. Need Notice of Hearing for the rescheduled date of 12/14/11 with proof of service on all interested parties.</li> </ol>
Cont. from			
Aff.Sub.Wit.			
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Video Receipt			
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Status Rpt			
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		Reviewed by: KT	
		Reviewed on: 12/8/11	
		Updates:	
		Recommendation:	
		File 10C - Guerrero	

Petition for Appointment of Guardianship of the Person (Prob. C. 1510)

Age: 2		<p><b>TEMPORARY EXPIRES 12-14-11</b></p> <p><b>BETTY NICHOLLS</b>, Paternal Grandmother, is Petitioner.</p> <p>Father: <b>RONALD WADE MOORE</b>        - Consent and Waiver of Notice filed 10-18-11</p> <p>Mother: <b>SHANA JOHNSTON</b>        - Consent and Waiver of Notice filed 10-18-11</p> <p>Paternal Grandfather: Ricky Wayne Dowd        - Consent and Waiver of Notice filed 10-18-11</p> <p>Maternal Grandfather: Deceased        Maternal Grandmother: Deceased</p> <p>Siblings: Mariah (18), Lindsey (15), Tori (9), and Savanna S. Finley (11)</p> <p><b>Petitioner states</b> Mother is incarcerated and Father has a lengthy history of drug use. Alynna has been in Petitioner’s care since birth. Guardianship will allow legal rights for her to handle Alynna’s medical care, health insurance, and school issues.</p> <p><b>Court Investigator Julie Negrete filed a report on 12-5-11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>				
DOB: 8-30-09							
	Aff.Sub.Wit.						
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	Inventory						
	PTC						
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	Sp.Ntc.						
N/A	Pers.Serv.						
✓	Conf. Screen						
✓	Letters						
✓	Duties/Supp						
	Objections						
	Video Receipt						
✓	CI Report						
✓	Clearances						
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<table border="1"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 12-8-11</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 11 - Moore</td> </tr> </table>			Reviewed by: skc	Reviewed on: 12-8-11	Updates:	Recommendation:	File 11 - Moore
Reviewed by: skc							
Reviewed on: 12-8-11							
Updates:							
Recommendation:							
File 11 - Moore							

**Petition for Probate of Will and for Letters of Administration with Will Annexed;  
 Authorization to Administer Under IAEA, with Limited Authority (Prob. C. 8002,  
 10450)**

<b>DOD: 8/25/11</b>		<p><b>COLLEEN K. JOBE</b>, granddaughter, is          Petitioner.</p> <p>(Sole named executor is Deceased; Decedent’s          only child, Marsha Ann Hong, has nominated          Petitioner as Personal Representative –  <i>Nomination attached to Petition</i>)</p> <p>Will dated 6/12/85</p> <p><i>Limited IAEA – o.k.</i>  <i>(Petition requests that bond be ordered in the          amount of \$950,000.00)</i></p> <p>Residence – Sanger, CA          Publication – The Sanger Herald</p> <p><b>Estimated value of estate:</b>          Personal Property \$900,000.00          Annual Income 20,000.00          Real Property _____  <b>Total: \$920,000.00</b></p> <p>Probate Referee: Rick Smith</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need original will pursuant          to PrC 8200(a)(1).</b></p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b> s/p		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
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<input type="checkbox"/>	<b>Sp.Ntc.</b>		
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<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> NRN</p> <p><b>Reviewed on:</b> 12/8/11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 - Nuefer</b></p>	

<b>DOD: 9/8/10</b>	<p><b>ROY J. MENDRIN</b>, spouse, is Petitioner and requests appointment as Administrator without bond.</p> <p>Decedent died intestate.</p> <p>All heirs waive bond.</p> <p>Full IAEA – o.k.</p> <p>Residence – Fresno, CA Publication – Fresno Business Journal</p> <p><b>Estimated value of estate:</b></p> <table> <tr> <td>Annual income</td> <td>\$12,000.00</td> </tr> <tr> <td>Real property</td> <td>\$390,000.00</td> </tr> <tr> <td><b>Total:</b></td> <td><b>\$402,000.00</b></td> </tr> </table>	Annual income	\$12,000.00	Real property	\$390,000.00	<b>Total:</b>	<b>\$402,000.00</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Annual income		\$12,000.00						
Real property		\$390,000.00						
<b>Total:</b>		<b>\$402,000.00</b>						
<b>Cont. from</b>								
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>								
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<input type="checkbox"/> <b>Video Receipt</b>								
<input type="checkbox"/> <b>CI Report</b>								
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<input type="checkbox"/> <b>UCCJEA</b>								
<input type="checkbox"/> <b>Citation</b>								
<input type="checkbox"/> <b>FTB Notice</b>								
		<b>Reviewed by: NRN</b>						
		<b>Reviewed on: 12/9/11</b>						
		<b>Updates:</b>						
		<b>Recommendation: SUBMITTED</b>						
		<b>File 13 - Mendrin</b>						

**Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)**

Age: 6 years DOB: 8/5/05	<b>FELIPE E. BAUTISTA</b> aka <b>PHILLIP E. BAUTISTA, SR.</b> , Father, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition is incomplete at #5 – Why it would be in the best interest of the minor to terminate the guardianship. 2. Need Order. 3. Need <i>Notice of Hearing</i> . 4. Need proof of service of the <i>Notice of Hearing</i> with a copy of the Petition at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence on: a. Maria Bautista (guardian/paternal grandmother) b. Vanessa Nicole Noriega (mother) c. Antonio Bautista (paternal grandfather) d. Victor Manuel Noriega (maternal grandfather) e. Kathy Ann Noriega (maternal grandmother)
	<b>MARIA BAUTISTA</b> , paternal grandmother, was appointed Guardian on 5/8/06.	
	Mother: <b>VANESSA NICOLE NORIEGA</b>	
Cont. from	Paternal grandfather: <b>ANTONIO BAUTISTA</b>	
Aff.Sub.Wit.	Maternal grandfather: <b>VICTOR MANUEL NORIEGA</b>	
✓ Verified	Maternal Grandmother: <b>KATHY ANN NORIEGA</b>	
Inventory	Petitioner states.....???	
PTC	Declaration of Guardian/Paternal grandmother, states that she does not feel it is in her grandson's best interest that the guardianship be terminated. She states that Phillip has come home from visits with his father with bruises and has stated that his father's girlfriend hits him and yells at him. Further, the guardian states that she does not feel that the father's home is suitable, since he and his girlfriend smoke and drink around Phillip and Phillip has asthma. Also, guardian states that her son's girlfriend's mother also lives in the home and she uses drugs. She also states that her son drives when he is drunk with Phillip in the car. Guardian states that she believes the reason the father wants to terminate the guardianship is so that he would no longer have to pay child support.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	<b>Court Investigator Samantha Henson's Report was filed 12/07/11.</b>	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/08/11
		Updates:
		Recommendation:
		File 14 – Bautista

Probate Status Hearing Re: Petition for Final Distribution or First Account

Age:		NEEDS/PROBLEMS/COMMENTS:  <b>OFF CALENDAR.</b> Order of Final Distribution signed on 8/3/11.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/8/11
		Updates:
		Recommendation:
		File 15 - Olay

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1 year DOB: 5/9/10	<u>Temporary Expires 12/14/11</u>	NEEDS/PROBLEMS/COMMENTS:
	<b>LISA FLOREZ and ABRIAN FLOREZ</b> , paternal grandparents, are Petitioners.	
	Father: <b>JOSEPH FLOREZ</b> – <i>consent and waiver of notice filed 08/05/11</i>	<p>1. Declaration of due diligence has been filed for the maternal grandparents. If court does not dispense with notice then will need <i>Notice of Hearing</i> with proof of service or consent and waiver of notice on:</p> <ul style="list-style-type: none"> <li>a. Angel Rangel (maternal grandfather)</li> <li>b. Marisol Flores (maternal grandmother)</li> </ul>
Cont. from 100511	Mother: <b>TEDDY GERARD</b> – <i>consent and waiver of notice filed 08/05/11</i>	
Aff.Sub.Wit.	Maternal grandfather: Angel Rangel – <i>declaration of due diligence filed 8/5/11</i>	
✓ Verified	Maternal grandmother: Marisol Flores - <i>declaration of due diligence filed 8/5/11</i>	
Inventory	<b>Petitioners state</b> the minor’s mother has been moving around from place to place since the minor was born. The mother is only 16 years old and has stated that she does not want the minor. CPS has been involved with the maternal grandmother and the mother’s siblings. Petitioner’s state that the maternal grandparents are transient and mother is transient also. The minor has lived with petitioners since April 1, 2011. Both parents consent to the guardianship.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<b>Court Investigator Jennifer Young’s Report filed on 9/28/11.</b>	Reviewed by: KT Reviewed on: 12/8/11 Updates: Recommendation: File 16 - Flores

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 13	<p><b>TEMPORARY EXPIRES 12-14-11</b></p> <p><b>FREDERICK L. JACKSON and DANITA HIGHSMITH, a</b> Maternal Uncle and his fiancée, are Petitioners.</p> <p>Father: <b>EARNEST RUFF, II</b></p> <p>Mother: <b>DOROTHEA BENEFIELD</b> <i>- Appeared and objected at hearing 10-27-11</i></p> <p>Paternal Grandfather: Not listed          Paternal Grandmother: Not listed          Maternal Grandfather: Not listed          Maternal Grandmother: Cathy Coleman (<i>Deceased</i>)          Siblings: Davon Packard (incarcerated), Kurtis Smith (incarcerated), Deandre Robinson (age not provided)</p> <p><b>Petitioners state</b> the child was arrested and sent to juvenile detention center. Mother was notified but was not available or willing to pick him up. He was placed in a foster home for 2+ days. Petitioners were notified by the juvenile detention center and CPS for interest of placement. The child has been with Petitioners since 10-7-11.</p> <p><b>Court Investigator Jo Ann Morris filed a report on 12-7-11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 10-27-11:</u> The Court is advised that the father is in prison. Mother objects to the petition. The Court grants the petition and appoints Frederick Jackson and Danita Highsmith as guardians. Temporary expires on 12/14/11. Visitation to be determined among the parties and mother Dorothea Benefield may determine where she wants the visits to take place. The General Hearing remains set for 12/14/11. Petition is granted; Order signed.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:             <ul style="list-style-type: none"> <li>- Earnest Ruff II (Father)</li> <li>- Dorothea Benefield (Mother)</li> </ul> <p><u>Note:</u> Per minute order 10-27-11, Father is incarcerated and Mother appeared and objected; however, neither have been served.</p> </li> <li>3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:             <ul style="list-style-type: none"> <li>- Paternal Grandfather</li> <li>- Paternal Grandmother</li> <li>- Maternal Grandfather</li> <li>- Davon Packard (sibling)</li> <li>- Deandre Robinson (sibling)</li> </ul> </li> </ol>	
DOB: 4-21-98			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
✓ Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
	Reviewed by: skc		
	Reviewed on: 12-8-11		
	Updates:		
	Recommendation:		
	File 17 - Ruff		

Age: 6	<b>GENERAL HEARING 1-30-12</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Notice of Hearing.  2. Need proof of personal service of Notice of Hearing with a copy of the Temporary Petition at least five court days prior to the hearing or consent and waiver of notice or declaration of due diligence on: - Rodney Marcus (Father) - Leatha Jones (Mother)
DOB: 5-12-05	<b>VIRGINIA WOODS</b> , Maternal Grandmother, is Petitioner.	
	Father: <b>RODNEY MARCUS</b>	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: <b>LEATHA JONES</b>	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Unknown	
<input type="checkbox"/> Inventory	Paternal Grandmother: Unknown	
<input type="checkbox"/> PTC	Maternal Grandfather: Claude Jones	
<input type="checkbox"/> Not.Cred.	Sibling: Earnest Collins	
<input type="checkbox"/> Notice of Hrg	<b>The Temporary Petition does not provide facts supporting temporary guardianship.</b>	
<input type="checkbox"/> Aff.Mail	<b>Petitioner's general petition states</b> Mother lives in the Californian, an apartment complex for elderly and disabled persons. Children are not allowed to live at the complex.	
<input type="checkbox"/> Aff.Pub.	UCCJEA form indicates the child has lived with Petitioner since birth.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
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<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed on:</b> 12-8-11
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 18 - Jones</b>

Age: 7 months DOB: 05/13/11	<p align="center"><b><u>GENERAL HEARING 02/16/12</u></b></p> <p><b>BRENDA LEE HILL</b>, paternal grandmother, is Petitioner.</p> <p>Father: <b>JASPER HILL</b> – <i>personally served 12/06/11</i></p> <p>Mother: <b>PAULINE TARTSAH</b></p> <p>Paternal grandfather: <b>OTTIS LEGETT</b> – <i>deceased</i></p> <p>Maternal grandfather: <b>DWAYNE TARTSAH</b></p> <p>Maternal grandmother: <b>VERONICA GOODWILL</b></p> <p>Siblings: Kayonna Hill, Jazalina Hill, Mikie (all in foster care)</p> <p>Petitioner states that Trinity’s mother has a problem with alcohol. The mother has had CPS involvement in the past and has lost 4 children to foster care. The father is unfit to care for the minor because he smokes marijuana, has anger issues and also abuses alcohol. The mother is currently living in Oklahoma and the father is planning to move there also. Both parents create a hostile environment for children. Petitioner states that temporary guardianship is necessary to keep her granddaughter with her in California, and she does not want Trinity to be placed in foster care like her other grandchildren.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of <i>Petition for Temporary Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: - Pauline Tartsah (mother)</li> </ol>
Cont. from		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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✓ Conf. Screen		
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Objections		
Video Receipt		
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✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 12/08/11</p> <p><b>Updates:</b> 12/12/11</p> <p><b>Recommendation:</b></p> <p><b>File 19 - Hill</b></p>	

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 15	<b>GENERAL HEARING 2-7-12</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> There is currently no vacancy. A Petition for Termination of the current Guardianship filed by this Petitioner on 12-2-11 is set for hearing on 2-7-12 (to coincide with this Petitioner's general petition).  <u>Note:</u> The Petition for Termination of the current guardianship alleges that the current guardian is not properly caring for the minor. Examiner notes that all relatives consent to appointment of this Petitioner; <u>however, it does not appear that notice has been served on the current guardian.</u>  <u>Note:</u> The minor and the current Successor Guardian currently reside in Sacramento.  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing with a copy of the Temporary Petition on the current guardian at least five court days prior to the hearing per Probate Code §2250(e).
DOB: 4-17-96	ALICIA NICOLE VASQUEZ, Sister, is Petitioner.		
	LETICIA MAGALLANES is the current (Successor) Guardian. Guardianship was originally established 5-29-03. Ms. Magallanes was appointed Successor Guardian on 7-22-10.		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
N/A	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 12-8-11
			Updates:
			Recommendation:
			File 20 - Vasquez